

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

LeMond Cycling, Inc.,

Plaintiff,

v.

Trek Bicycle Corporation,

Defendant/Third-Party Plaintiff,

v.

Greg LeMond,

Third-Party Defendant.

Civil No. 08-1010 (RHK-JSM)

**DECLARATION OF JOSEPH M.  
WINDLER IN SUPPORT OF  
PLAINTIFF/THIRD PARTY  
DEFENDANT'S MEMORANDUM  
OF LAW IN OPPOSITION TO  
TREK'S MOTION FOR  
SUMMARY JUDGMENT**

I, Joseph M. Windler, being first duly sworn upon oath, depose and state as follows:

1. I am an attorney with the law firm of Winthrop and Weinstine, P.A., representing LeMond Cycling, Inc. and Greg LeMond (LeMond Cycling) in the above-captioned matter. I make this Declaration on personal knowledge and in support of LeMond Cycling's Memorandum of Law in Opposition to Trek's Motion for Summary Judgment.

2. Attached to this Declaration as Exhibit A is a true and correct copy of cited testimony from the Deposition of John Burke taken April 7, 2009, in the above-referenced case.

3. Attached to this Declaration as Exhibit B is a true and correct copy of cited testimony from the Deposition of Jay Townley, taken July 24, 2009, in the above-referenced case.

4. Attached to this Declaration as Exhibit C is a true and correct copy of the Expert Report of Jay Townley dated June 9, 2009, Updated July 20, 2009 and Updated August 13, 2009, with attachments, designated ATTORNEYS' EYES ONLY.

5. Attached to this Declaration as Exhibit D is a true and correct copy of cited testimony from the Deposition of Aaron Mock, taken May 12, 2009, in the above-referenced case.

6. Attached to this Declaration as Exhibit E is a true and correct copy of cited portions of Exhibit 187 from the Deposition of Aaron Mock, taken May 12, 2009, more fully described as "Composition Trek U Workbook" designated ATTORNEYS' EYES ONLY. (TREK004229, TREK004319, and TREK004324)

7. Attached to this Declaration as Exhibit F is a true and correct copy of cited testimony from the Deposition of Ira Langer, taken May 7, 2009, in the above-referenced case.

8. Attached to this Declaration as Exhibit G is a true and correct copy of cited testimony from the Deposition of Malcom Davies, taken May 14, 2009, in the above-referenced case.

9. Attached to this Declaration as Exhibit H is a true and correct copy of Exhibit 191 marked at the deposition of Malcolm Davies, taken May 14, 2009, more fully described as “TREK France 04 Business Plan” designated ATTORNEYS’ EYES ONLY. (TREK005302-5331)

10. Attached to this Declaration as Exhibit I is a true and correct copy of cited testimony from the Deposition of Elisabeth Huber, taken January 5, 2009, in the above-referenced case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on the 30<sup>th</sup> day of October, 2009 in Minneapolis, Minnesota.

s/Joseph M. Windler  
Joseph M. Windler

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